

Subject: Designation of 95 Henderson Avenue under Part IV of the *Ontario Heritage Act*

File Number: ACS2022-PIE-RHU-0036

Report to Built Heritage Sub-Committee on 3 October 2022

and Council 5 October 2022

Submitted on September 20, 2022 by Court Curry, Manager, Right of Way, Heritage and Urban Design Services, Planning, Real Estate and Economic Development Department

Contact Person: Avery Marshall, Heritage Register Coordinator, Heritage Planning Branch

613-580-2424, 25875, Avery.Marshall@ottawa.ca

Ward: RIDEAU-VANIER (12)

Objet : Désignation du 95, avenue Henderson en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*

Dossier : ACS2022-PIE-RHU-0036

Rapport au Sous-comité du patrimoine bâti

le 3 octobre 2022

et au Conseil le 5 octobre 2022

Soumis le 20 septembre 2022 par Court Curry, Gestionnaire, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'immobilier et du développement économique

Personne ressource : Avery Marshall, Coordonnatrice, Registre du patrimoine, Planification du Patrimoine

613-580-2424, 25875, Avery.Marshall@ottawa.ca

Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATION

That the Built Heritage Sub-Committee recommend that Council:

- 1. Not proceed with the issuance of a Notice of Intention to Designate 95 Henderson Avenue under Part IV of the *Ontario Heritage Act*.**
- 2. Suspend the notice required under Subsections 29(3) and 34(1) of the Procedure By-law to consider this report at its meeting on October 5, 2022, in order to decide this matter within the legislated timeline.**

RECOMMANDATION DU RAPPORT

Que le Sous-comité du patrimoine bâti recommande au Conseil :

- 1. De ne pas procéder à la publication de l'avis d'intention de désigner le 95, avenue Henderson en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.**
- 2. La suspension de l'avis requis en vertu des paragraphes 29(3) et 34(1) du Règlement de procédure afin qu'il examine le présent rapport lors de sa réunion du 5 octobre 2022 pour trancher à cet égard dans les délais prévus par la loi.**

BACKGROUND

The building at 95 Henderson Avenue is a two-and-one-half storey wood frame gable-front house clad in red brick with a stone foundation and rear chimney. The main house was constructed between 1901 and 1912. Located in Sandy Hill near the southeast intersection of Henderson Avenue and Osgoode Street, the property is located in the Sandy Hill Cultural Heritage Character Area. All properties within the heritage character area were evaluated and provided a ranking between 1 and 4. 95 Henderson Avenue is ranked Category 2. Properties ranked Category 1, 2, or 3 contribute to the heritage character of the area. The guidelines for the Sandy Hill Cultural Heritage Character Area state that demolition of Category 1, 2 and 3 buildings is discouraged.

95 Henderson Avenue was listed on the City of Ottawa's Heritage Register as a non-designated property in 2015. The City's Official Plan and the Provincial Policy Statement encourage the conservation of built heritage resources, which includes listed heritage properties.

Section 27 (9) of the *Ontario Heritage Act* requires that owners of listed properties provide 60 days' notice, in writing, of their intent to demolish. The owner of 95 Henderson Avenue provided the written notice required under the *Ontario Heritage Act* on May 20, 2022. Staff met with the applicant and encouraged them to explore alternatives to demolition such as constructing an addition to the rear of the existing heritage building. Heritage Planning staff advised the ward councillor and the Chair of the Built Heritage Sub-Committee of the Notice of Intention to Demolish 95 Henderson Avenue. The 60-day notice period for 95 Henderson Avenue expired on July 19, 2022.

This report has been prepared at the request of the ward councillor in accordance with the Council-approved procedures for properties listed on the Heritage Register.

DISCUSSION

Heritage Planning staff researched and evaluated the property at 95 Henderson Avenue using the criteria outlined in Ontario Regulation 09/06 (Document 2) for designation under Part IV the *Ontario Heritage Act*. A property may be designated under Part IV of the *Ontario Heritage Act* if it meets at least one of the three criteria: design/physical value, associative/historical value, and contextual value. The evaluation for 95 Henderson is available in the Heritage Survey Form, attached as Document 3. A summary of the evaluation follows:

Design/Physical Value

Popular in the late 19th and early 20th century, the gable-front house is a common building type found across Ottawa and widely seen throughout Ontario. Over 600 gable-front houses are listed on the City's Heritage Register. Hundreds more are designated as part of Ottawa's Heritage Conservation Districts. The building at 95 Henderson Avenue is an example of a gable-front house, however, replacement windows and loss of the veranda, among several other minor alterations, diminish the design integrity of this simple house. The building at 95 Henderson Avenue does not display a high degree of craftsmanship nor does it have a high degree of technical or scientific merit. Due to the limited design and physical value of the building, staff determined that it does not meet the criteria for design or physical value under Ontario Regulation 09/06.

Historical/Associative Value

95 Henderson Avenue has direct associations with several families who owned and lived in the house, namely the Davidsons and the Coughlins. The history of occupants is representative of Sandy Hill – many residents of the neighbourhood were locally-known

individuals who contributed to Ottawa's development and held roles connected to Parliament. Like many other detached houses in the area, 95 Henderson Avenue offers general information about Sandy Hill's building stock and the way of life of its occupants. No architect, designer or builder were confirmed. Considering the house has limited historical and associative value, staff determined that it does not meet the criteria for historical/associative value under Ontario Regulation 09/06.

Contextual Value

Although the subject property contributes to and supports the cultural heritage character of Sandy Hill, it is not important in defining the area's character. Like many detached houses in the area, 95 Henderson Avenue has historical and visual links to its surroundings. It is one of several gable-front or red brick houses along Henderson Avenue moderately contributing to a cohesive streetscape that contains other low-rise buildings with similar heights, setbacks, materials and with similar design elements. The relationship between the subject property and its broader context does not make a significant contribution to the understanding of the area. The property is not considered a landmark. For these reasons, staff determined that the property does not meet the criteria for contextual value according to Ontario Regulation 09/06.

Conclusion

The house at 95 Henderson Avenue does not meet any of the criteria for designation under Ontario Regulation 09/06. Staff do not believe that 95 Henderson Avenue is a candidate for designation under Part IV of the *Ontario Heritage Act*. With limited design value due to several minor alterations and limited historical and contextual value, staff are of the opinion that the property does not have sufficient cultural heritage value or interest to merit designation. Designation under Part IV of the *Ontario Heritage Act* would not be compliant with Ontario Regulation 09/06. Furthermore, designation would not contribute meaningfully to the City's designation program nor address any identified gaps in representation.

Given the abundance of gable-front houses within the Sandy Hill Cultural Heritage Character Area and the surrounding Sandy Hill Heritage Conservation Districts, the historic character of Sandy Hill can be maintained despite the potential loss of 95 Henderson Avenue.

The department is recommending that Council not initiate the designation of this property.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2020.

RURAL IMPLICATIONS

There are no rural implications.

CONSULTATION

The property owner and their representatives are aware of this report.

The Ward Councillor was notified of the Notice of Intention to Demolish and requested this report.

The Chair of the Built Heritage Sub-committee was notified of the Notice of Intention to Demolish and is aware of this report.

Action Sandy Hill and Heritage Ottawa have been advised of this report.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor provided the following comments on this report

“When a developer or property owner takes on the redevelopment of a heritage property, I am cautious about how an application respects the heritage character of the home. In this case, the house came second to the property space it occupied. And the request to nurture its heritage character set aside for an intent to demolish.

I question the appropriateness of demolishing this home at 95 Henderson Avenue.

It is a shame we even question the designation of a property listed on the Heritage Register.

Sandy Hill is rich with heritage homes, heritage conservation districts and heritage character.

It is what makes this neighbourhood incredibly unique.

The charm we cherish when it comes to these heritage homes in this community, and ultimately the reason we seek designation and protection in the first place, is lost when we lose a property within it.

The character of the street – the red brick, the treed streetscape –also make up the fabric of a neighbourhood, and the City should protect this.

Every developer need not bulldoze over something that is in their way to build something bigger that can contain more units. As much as there is an opportunity to make a larger-scale building, there are also opportunities to transform a neglected property properly. I urge the committee to respect Sandy Hill's connection to its heritage and not allow another property to be removed from the list to make room for bigger.

History and preservation may not be uncomplicated, but in the end, they can be worth it.

I believe it is important to signalized to the development industry that the City is serious on neighbourhood character and heritage protection. We continue to see, in Sandy Hill, many redevelopments and infill development. Without implication from the city's heritage team, it is difficult to ensure that retention and sensitivity to building shapes and material.

The development proposed does nothing, post demolition to reflect the footprint, the materials, the roof line, the window patterns that are present within the Sandy Hill community HCD's and particularly buildings on the registry on the list in Sandy Hill.”

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- **Thriving Communities:** Promote safety, culture, social and physical well-being for our residents.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Ontario Regulation 09/06

Document 3 Heritage Survey Form

DISPOSITION

If Council follows Recommendation 1, no further action is required.

If Council proceeds with the issuance of a Notice of Intention to Designate for 95 Henderson Avenue, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Real Estate and Economic Development Department are to prepare the Notice of Intention to Designate. Office of the City Clerk, Council and Committee Services to notify the property owner and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision to issue a Notice of Intention to Designate 95 Henderson Avenue under Part IV of the *Ontario Heritage Act*.
- 2) Heritage Planning Branch, Planning, Real Estate and Economic Development Department to ensure publication of the Notice of Intention to Designate in the newspaper according to the requirements of Section 29 the *Ontario Heritage Act*.
- 3) If the City Clerk receives a Notice of Objection under Section 29(5) of the *Ontario Heritage Act* within thirty days of the publication of the Notice of Intention to Designate, the Heritage Planning Branch, Planning, Real Estate and Economic Development Department is to prepare a report regarding the objection for consideration by Council within 90 days after conclusion of the objection period, according to Section 29(6) of the *Ontario Heritage Act*.
- 4) If the City Clerk does not receive any Notice of Objection under Section 29(5) of the *Ontario Heritage Act* within thirty days of the publication of the Notice of Intention to Designate, or if City Council decides not to withdraw the notice of

intention to designate the property after an objection as been served, the Heritage Planning Branch, Planning, Real Estate and Economic Development Department, is to prepare the Designation By-law, under the authority of the approval of this report and Legal Services to submit to City Council for enactment within 120 days of the publication of the Notice of Intention to Designate as prescribed in Section 29(8) of the *Ontario Heritage Act*.

- 5) Office of the City Clerk, Council and Committee Services to cause a copy of the by-law together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, to be served on the owner of the property and on the Trust according to the requirements of the *Ontario Heritage Act*. Heritage Planning Branch, Planning, Real Estate and Economic Development Department to ensure publication of the notice of the by-law in the newspaper according to the requirements Section 29(8)(4) of the *Ontario Heritage Act*.